

LINCOLN PLANNING BOARD

NOVEMBER 19, 2014

APPROVED

The regular meeting of the Planning Board was held on Wednesday, November 19, 2014, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Kenneth Bostic, Gerald Olean, John Hunt, Michael Reilly, William Murphy and Jeffrey Delgrande. Also in attendance were Town Planner Al Ranaldi and Town Engineer Leslie Quish. Russell Hervieux kept the minutes.

The following member was absent from the meeting: Timothy Griffin.

Chairman Bostic advised that six members were present; have quorum.

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda has no zoning applications and only staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

Motion was made by member Olean to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

a. Dennell Drive Subdivision AP 42 Lot 10 Preliminary Plan

Dennell Properties 15 Dennell Drive Discussion/Approval

Mr. Ranaldi stated that this application is in front of the Board at preliminary plan review. The Board has until March 10, 2015 to make a decision on preliminary plan. The application represents the extension of Dennell Drive into an approximately 19 acre parcel of land with an existing home. The applicant is proposing to subdivide the parcel into four residential lots. Two of the proposed lots would have gravity sewer service and the other two would be on a force main sewer which goes into a gravity sewer main. The applicant has preliminary approval for the water service from Lincoln Water Commission. The TRC reviewed the plans and the Town Engineer had quite a few minor concerns with the plans. All of the concerns are resolvable. The TRC has two main concerns. The first concern is the cul-de-sac length of 910' which is 10' longer than allowed in this zone. A waiver of 10' would be needed or reduce the length of the road. The TRC would support a waiver of 10' for the road. The next concern is the slope of the cul-de-sac does not meet the subdivision regulations. The regulations call for 1% and the applicant is

proposing 2.3%. The TRC would not support a waiver of this regulation. Another concern is the storm water management system. RIDEM enacted new management regulations in 2010. This is the first application the Town has reviewed under these regulations. The TRC would like to see a plantings plan as part of this submission as it affects the storm water management system. This system will have 4' of standing water most of the time. There is an eight foot slope from the cul-de-sac. Therefore the TRC is recommending that a fence be installed around the drainage feature for public safety. The drainage system was designed with each of the houses having one driveway. None of the houses in this area have one driveway. Therefore the Town would like to see the drainage system designed for the types of houses that already exist in the area. Because we are dealing with new RIDEM regulations, the TRC recommends the applicant come in with an approved RIDEM wetlands permit prior to preliminary plan approval. The TRC also recommends that the applicant make the noted corrections to the plans and come back in December for further review.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi allowed the engineer for the applicant to make his presentation to the Board.

Richard Bzdyra, engineer for the applicant, made a presentation to the Board. Mr. Bzdyra stated he would like to review issues at the last meeting. The concerns about the property being filled and filling

wetlands in the past were unfounded by research and test holes dug recently. In 1997 Ocean State Planners went to the site and verified the wetland edge which was approved by RIDEM. The proposed plan does call for two of the lots that will require the sanitary sewer to be pumped to a gravity sewer. The pumps will be at the future home and will have a backup generator. The cul-de-sac length on the master plan set of plans was shown incorrectly. The review of the plans for preliminary plan submission showed that the length of the road to the new cul-de-sac is 907'. The Board asked if the road could be shortened by 7'. Mr. Bzdyra replied that a significant amount of engineering would have to be reworked to do that which the applicant would prefer not to do. Mr. Bzdyra is anticipating that the RIDEM permit should be responded to within the next two weeks. Some changes might be required by RIDEM as they are working with these new regulations. The corrections requested by the Town Engineer are being worked on right now. The cul-de-sac has already been redesigned to meet the regulations of a 1% pitch. The planting scheme and the fence are being added to the plans for the detention area. The drainage will be recalculated to show 5,000 square foot homes with larger driveways to be sure the drainage still works for the types of homes that will be built. Member Delgrande would like the applicant to have a detail on the plans which shows the force main tie in to the gravity sewer for the two applicable lots. Member Olean would like a legal opinion as to whether the Board can require that the homeowners maintain a maintenance contract for their sewer pumps and force main. Town Engineer Quish stated that the

applicant is proposing qualified pervious area for the roof runoff. A qualified pervious area is an area of grass with restrictions as to how often mowed, fertilized and type of grass. Ms. Quish does not feel that the homeowners will follow these restrictions. Therefore an alternate method of dealing with roof runoff needs to be submitted. A detailed plan of the construction of the drainage plan including plantings also needs to be submitted. Member Olean is concerned with the standing water that will be in the detention basin. A maintenance agreement needs to be enforced to treat the water for insects and mold spores. Town Engineer Quish mentioned that bodies of water with over 3' of water tend not to draw mosquitoes. This may be why the basin was designed at 4' deep.

Mr. Shekarchi stated that his client would come back at the next meeting with the Engineer's corrections and the RIDEM permit. If the RIDEM permit was not complete by then the applicant would ask for a continuance. Chairman Bostic expressed a concern about the existing unfinished home that has been there for quite some time. Mr. Shekarchi replied that the plan is to achieve the subdivision then finish that house and sell it. Member Olean asked about the letter from Superb Luxury Homes that was submitted to the Town regarding this subdivision. Mr. Shekarchi was not familiar with the letter and asked to review a copy. Mr. Shekarchi was unsure of the meaning of this letter. Member Olean expressed concern that this letter raises doubt about the ability of this applicant.

Harry Zervas, applicant, authored the letter and came to make an explanation of it. Mr. Zervas stated that the intent of the letter was to show that the existing unfinished home would be finished after the subdivision is achieved. Member Olean objected to the answer stating the letter discusses that he will do the road construction. Mr. Zervas explained that he understood the regulations to state that he has to do the road or have somebody else bond it. Mr. Zervas explained that he may have misunderstood the regulations. He will have the road put in by licensed professionals and it will be bonded until the Town fully accepts it. Mr. Shekarchi stated that once this applicant gets to the point where the road can be constructed, Mr. Zervas will act as the general contractor and anybody who works on this road will have to be licensed and bonded to that construction. This application is moved to the December agenda for further discussion.

SECRETARY'S REPORT

The Board was given two sets of minutes to review. The minutes are for August 27, 2014 and September 24, 2014. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Olean to dispense with the reading of the August 27, 2014 and September 24, 2014 minutes was seconded by member Reilly. Motion was approved by all members present.

Motion made by member Olean to approve as presented the minutes of the August 27, 2014 and September 24, 2014 was seconded by member Reilly. Motion was approved by all members present.

Member Olean wanted to discuss the issue of individual force mains for new lots. A concern is the Board cannot require a gravity system then they could not require generators on these privately owned pumps. Member Olean feels the Board needs a legal opinion on this issue. Also would these individual pumps require a waiver from the subdivision regulations?

Motion made by member Olean to adjourn and was seconded at 7:50 pm by member Hunt. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Attached November TRC Report:

On November 10, 2014 at 3:00 PM, the Technical Review Committee met to review the agenda items for the November 19, 2014 meeting of the Planning Board. In attendance were Al Ranaldi, Leslie Quish, Michael Reilly, and Russell Hervieux. Below are the Committee's

recommendations.

Major Subdivision Review

a. Dennell Drive Subdivision AP 42 Lot 10 Preliminary Plan Discussion

- Dennell Properties 15 Dennell Drive / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four residential lots. The proposed project is classified as a major subdivision due to the proposed extension of the existing Dennell Drive right-of-way. The project is in front of the Planning Board at the preliminary plan review stage.

On November 10, 2014, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by March 10, 2015, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

1. A site plan entitled: Preliminary Plan AP 42 Lot 10, Dennell Drive, prepared for Harry Zervas, dated September 30, 2014 and prepared by

Ocean State Planners, Inc.

2. A letter dated October 31, 2014 to the Town Planner from Harry Zervas.

3. Hydrology Report for Dennell Properties Assessors Plat 42, Lot 10 Dennell Drive, Lincoln RI, designed by Ocean State Planners and Byron Holmes, PE, dated October 3, 2014.

Site Layout

The Technical Review Committee reviewed the project submission against the requirements for a preliminary plan review. The applicant owns a 19 acre +/- parcel of land on which one residential home is located. The zoning district is RA-40. The applicant is proposing to subdivide this lot into a four lot subdivision with the extension of the existing right-of-way (Dennell Drive). The existing right-of-way will be extended from its existing length of 436 feet to a total length of 910 feet. The right-of-way would end in a cul-de-sac. The existing cul-de-sac will be removed and the remaining land will be added to the abutting property owners. The project submission shows a 5 foot sidewalk proposed for each side of the new right-of-way. All proposed curbing will be granite per the regulations.

The proposed subdivision meets the zoning requirements of the RA-40 zoning district and the submitted plans show the required setbacks for each new lot. The applicant stated that he plans on building 4,000 to 5,000 square foot houses. The TRC would like to see if the footprint of a house this size will fit within the setbacks. The TRC asked the applicant's engineer to show actually sized footprints on the plans.

The maximum length of a right-of-way ending in a cul-de-sac is 900 feet in a RA-40 zoning district. The proposed right-of-way length exceeds the allowable length by 10 feet. The proposed right-of-way is 910 feet. The applicant will need to request a waiver from the Planning Board or reduce the length of the proposed right-of-way by 10 feet. The TRC recommends approval of this waiver based on the minimal length requested.

According to the Land Development and Subdivision Regulations, the grade within a cul-de-sac and for a distance of 30 feet prior to it, shall not exceed one percent. The submitted plan shows a final grade of 2.3% for the cul-de-sac. The applicant would need to request a waiver from the Planning Board to allow this change in the grade in the roadway or redesign the grade of the proposed cul-de-sac. The TRC recommends denial of this waiver. The TRC feels that the applicant can easily redesign the cul-de-sac according to the regulations. The TRC noted the possible problems that may occur due to the excessive slope.

The Town Engineer reviewed the submitted plans for general conformity with the Town of Lincoln Zoning Ordinance and Land Development and Subdivision Regulations, and the over-all constructability of the development. Many concerns were presented within a memo to the Town Planner. The majority of the concerns are minor in nature and can be quickly addressed. Some of the concerns are discussed below. This memo was given to the applicant's engineer for his revision as well as included in the Planning Board packets. The TRC recommends that the Town's concerns be

addressed in the next revision of the plans.

Stormwater Management System

A stormwater management system that will serve the proposed roadway will be located on Lot 3. This stormwater management system shall be designed in accordance with the Land Development and Subdivision Regulations and the December 2010 edition of the Rhode Island Stormwater Design and Installation Standards Manual. The Drainage System Operation and Maintenance Plan references the Town of Lincoln as possibly accepting the drainage system. The Town of Lincoln will not accept the stormwater management system or any part of it. The only portion of the stormwater system to be accepted and owned by the Town will be the catch basins, manholes, and pipes within the future Town right-of-way. The provided documents must clearly document who and how the WVTS will be owned and maintained. The Town will accept either a homeowner's association or the property owner of Lot 3 as the responsible party that will maintain the stormwater system. Stormwater mitigation for each individual house lot will be reviewed at the building permit review stage.

The applicant is proposing to install a Wet Vegetated Treatment System (WVTS). This type of stormwater management system is one of the acceptable systems allowed within the current edition of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). However, the Town is not familiar with this type of system and would prefer to have the Rhode Island Department of

Environmental Management review and approve the system before the Town makes its final recommendation to the Planning Board. Therefore, the TRC recommends that the applicant submits an approved RIDEM permit for the system before the preliminary plan is approved. The Town's Engineer reviewed the proposed system against the Rhode Island Stormwater Design and Installation Standards Manual and had many concerns. These concerns are outlined within the Town Engineer's memo and should be addressed and revised.

The Town Engineer noted that the proposed WVTS is designed to have standing water. According to the plans, the bottom of the proposed system is at a depth of eight feet below the grade of the public right-of-way. The TRC recommends that a fence be provided around the entire WVTS to discourage people from going into the area. A service gate should be provided to allow for the annual maintenance.

The Town Engineer also noted that in accordance with the current edition of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM), groundwater recharge and water quality treatment is required for impervious area in watershed 4 and 6 which consists of roof and driveway runoff. The applicant proposes Qualified Pervious Areas (QPAs) for stormwater treatment. However, the QPAs are not depicted on the plans nor are QPA sizing calculations provided. The TRC recommends that the applicant calculate the QPA with a greater amount of impervious areas due to the characteristics of the homes within the surrounding

neighborhood. The majority of the homes in this neighborhood have extensive driveways and pool/patio areas. It is unlikely that the proposed homes will not have these amenities.

The RISDISM states that excessively fertilized and irrigated lawns are not considered a QPA and that the areas must consist of low-maintenance grasses adapted to the New England region. The Hydrology Report states that the development will include deed restrictions for grass types and fertilizer limits. How does the applicant propose to ensure this will occur? The homes in this neighborhood tend to have very well manicured lawns and the Town will not enforce private deed restrictions. The TRC recommends that the applicant address this issue and present a resolution for the Town to review in the revised plans.

A RIPDES permit from the Rhode Island Department of Environmental Management (RIDEM) will be required as a condition of preliminary plan approval. A RIDEM Wetlands Permit or Determination of Applicability will be required as a condition of preliminary plan approval.

Utilities

Currently, underground public utilities exist within Dennell Drive and are available to the proposed house lots. House lot number 1 has an existing gravity connection to the public sewer system. The applicant is proposing to extend the public gravity sewer line approximately 100 feet down the new roadway extension. A private force main system is proposed for house lot number 2 and 3. Each

house will have an individual grinder pump with a force main collection system located outside of the future Town Right of Way. The force main collection system would collect and convey flow into the extended public gravity sewer line via a new manhole. The town will have no responsibilities for this system.

The TRC and the Town acknowledge that this type of sewer system is not common within the town and that the Planning Board may have some reservations about this system. The Town Engineer and Public Works Director did extensive research on the proposed private sewer system. Based on their research, they feel that the force main and individual grinder pump sewer system is a proven system for the removal of residential sewer waste. The Town does not object to the proposed system as conceptually presented, conditioned upon the following stipulations:

- The Town of Lincoln will take no ownership or responsibility for the force main system, including the individual grinder pumps.
- Complete engineering of the proposed system must be submitted for review by the Town at the preliminary plan phase of review.
- A private line agreement is required for review and approval by the Town.
- All proposed house lots must be created and recorded at the same time; phasing of individual lots will not be permitted. The deed for each lot utilizing the force main system must include appropriate reference to the private line easement benefitting lot #3 running along the frontage of lot #2, and that the Town of Lincoln will take no ownership or responsibility for the force main system, including the

individual grinder.

- **Notation on the Final Recorded Plan referencing the legal documents associated with the private sewer system.**

The Lincoln Water Commission reviewed the proposed extension of the public water system. There are no options to loop the new extension. Therefore, the LWC will not require the system to be looped. LWC acknowledged their position on this project at the TRC meeting. The TRC would like the applicant to provide the Town with written acknowledgement of the LWC's position on this subdivision for the file.

Based on the project's submission, the Technical Review Committee feels that the applicant should address the comments and concerns presented above and return next month for further review.

Zoning Applications (*) – December Zoning Applications

There are no zoning applications on the agenda for the December Zoning Board meeting.

Correspondence/Miscellaneous (*)

a. Staff Reports

b. Smith Farm Acres AP 22 Lot 108 Final Plan Recorded